

| Difference | Subject Area | CEQA | NEPA |
|-----------------------------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| Substantive and Document Content | Substantive effect | Requires agencies to mitigate significant impacts when feasible | Requires such mitigation only for mitigated FONSI; EISs need only full and complete discussion of mitigation |
| | Scope of project/action | Expansive definition of proposed project, covering whole of project | Allows limiting scope of those proposed actions with small federal handle |
| | Baseline for determining impacts | Normally requires existing conditions | Allows future no-action conditions |
| | Alternatives: IS/EA | Does not require alternatives discussion in ISS | Requires alternatives in EAs if project has unresolved resource conflicts |
| | Alternatives: EIR/EIS | Requires alternatives reducing proposed project's significant impacts in EIRs; evaluation must be meaningful, equal level of detail not required | Requires full range of alternatives in EISs, evaluation in equal level of detail |
| | Final document | Response to comments and errata; no requirement to republish EIRs | Republish EISs to incorporate changes |
| | Socioeconomic analysis | Required in discussion of effects if socioeconomic impacts would lead to physical effects on the environment | Required in discussion of effects if socioeconomic impacts would lead to physical effects on the environment |
| Procedural Differences | Process oversight | Little OPR oversight | EPA EIS oversight and CEQ referral process |
| | Decision to prepare EIR or EIS | Requires EIR if fair argument of significant impact may be made | Requires EIS only if agency decision is arbitrary and capricious (unsupported by substantial evidence) |
| | Public notice and review: IS/EA | Requires public notice and review of ISS/NDs | Requires public notice, but allows more limited review of EAs/FONSI |
| | Public notice and review: EIR/EIS | Requires public notice and review for Draft EIRs, not Final EIRs | Requires Federal Register public notice and public review for Draft and Final EISs |
| | Decision documentation | Requires written findings on mitigation of each significant impact, and statement of overriding considerations for unavoidable significant impacts | Requires less formal Record of Decision to explain project decision and which mitigation adopted |
| | Litigation | Short statute of limitations for legal challenges 30 days | No statute of limitations; <i>laches</i> doctrine may apply (unreasonable delay) |

Figure 4
Major Differences between CEQA and NEPA